IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ratna Ram. Versus State of Rajasthan & ors.

S.B. Criminal Misc. petition No. 232/2006
against the order dated 7-2-2006 passed
by the Sessions Judge, Merta, district Nagaur,
in Criminal Revision No. 51/2005.

...

Date of Order: September 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. D.K. Gaur, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Anil Vyas, for the non-petitioners.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short,"the Code" hereinafter), the petitioner has challenged the order dated 7-2-2006 passed by the Sessions Judge, Merta, district Nagaur, (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 51/2005, whereby the revision petition filed by the non-petitioners No. 2, 3 and 4 against the order dated 20-10-2005 passed by the Sub-Divisional Magistrate,

Degana, district Nagaur, (for short, "the Executive Magistrate" hereinafter), was allowed.

I have heard learned counsel for the parties and carefully gone through the orders passed by the Executive Magistrate as well as the Revisional Court.

From the perusal of the orders passed by the Executive Magistrate and the Revisional Court, it appears that the parties filed a civil suit and there is a decree of the Civil Court declaring the way. In the circumstances, therefore, the Executive Magistrate, as also the Revisional Court,were justified in dismissing the proceedings under Sections 142 and 147 of the Code.

It is settled law that between the same parties, if the matter is finally decided by a competent civil court by way of a judgment and decree then the parties must respect the order of the civil court and if the order of the civil court is flouted then the aggrieved party can proceed under the provisions of the Code of Civil Procedure for such disobedience.

The criminal miscellaneous petition is, therefore, disposed of.

(H.R. PANWAR), J.

mcs